

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER LINDNER,

Plaintiff

-against-

COURT SECURITY OFFICER (CSO) NEWELL, CSO
MUSCHITIELLO, CSO JOHN DOE #1, CSO JOHN DOE #2, 2ND
CIRCUIT COURT OF APPEALS CLERK MARGARET LAIN,
ASSISTANT US MARSHAL (USM) JAMES HOWARD , USM
BRIAN MURPHY, USM BETTY ANN PASCARELLA, WITNESS
SECURITY S. JONES, CONGRESSIONAL AFFAIRS CHIEF D.
DISRUD, US ATTORNEY PREET BHARARA, USM JOSEPH R.
GUCCIONE,

Defendants

**Civil Action No. 11 cv 08365
(AJN-MHD)**

MOTION TO RECONSIDER
AND PLAINTIFF RESPONSE TO
AUSA COVERUP AND
VIOLATION OF NY STATE
LAW ON INTENT TO DECEIVE
THE COURT, ATTACHMENTS
OF SWORN NOTARIZED
SIGNATURE OF PLAINTIFF

~~Was: Thursday, March 28, 2013 11:20 AM~~

~~Is: Tuesday, April 09, 2013 11:00 PM~~

~~Was: Thursday, March 28, 2013 11:20 AM~~

~~Is: Tuesday, April 09, 2013 11:00 PM~~

Is: Friday, April 12, 2013 4:04 PM

To USDJ Nathan: 1
**Attachment 4a: Fax Confirmation of Online Complaint form to DOJ for Perjury by
Auerbach, among other violations.**..... 2
**Attachment 4b: Online Complaint form to DOJ for Perjury by Auerbach, among other
violations** 3

To USDJ Nathan:

Here are the attachments 4a & 4b to Document 95, as requested by Pacer staff 4/12/2013.

Humbly and sincerely,

By: /s/ Peter Lindner Dated: New York, NY the 12th Day of April , 2013

Peter Lindner

Plaintiff, *Pro Se*

1 Irving Place, Apt. G-23-C

New York, New York 10003

Home/ Fax: 212-979-9647

Cell: 917-207-4962

Email: nyc10003@nyc.rr.com

Attachment 4a: Fax Confirmation of Online Complaint form to DOJ for Perjury by Auerbach, among other violations

I filed online and also via fax:

03/28/2013 13:07 FAX 2129799647 0001

*** TX REPORT ***	

TRANSMISSION OK	
TX/RX NO	1234
RECIPIENT ADDRESS	*8212026169881
DESTINATION ID	
ST. TIME	03/28 13:06
TIME USE	00'57
PAGES SENT	5
RESULT	OK

3/28/13

USDOJ/OIG | Report Waste, Fraud, or Abuse

Report Waste, Fraud, or Abuse

You may report to the Office of the Inspector General (OIG) allegations of waste, fraud, or abuse relating to a Department of Justice (DOJ) employee or program. If you would like to submit supporting documentation, please mail in your complaint with the supporting documentation instead of using our online form.

Additional information concerning the OIG's jurisdiction, confidentiality of complaints, how to report allegations of retaliation, and the Privacy Act Notice associated with these forms are available at: <http://www.justice.gov/oig/hotline/info.htm>.

This complaint is concerning:

- DOJ Employee or Program
- DOJ Contract or Subcontract
- Grant Awarded by the DOJ
- Violation of Civil Rights or Civil Liberties
- Protected Disclosures of Recovery Act Funds

VIA Fax

DOJ Employee or Program**Submit Report Online**

Please fill in as much information as possible. Your contact information is requested but not required in order to submit information.

Complaint Concerning DOJ Employee or Program**Your Information**

Your Name: * Email: * Address Type:
 Street Address:
City: State: Zip Code:

Attachment 4b: Online Complaint form to DOJ for Perjury by Auerbach, among other violations

I submitted the following report online (which did not give me a reference # as of Thursday, March 28, 2013 1:17 PM)

- "1. The USMS General Counsel perjured himself in 2012 to have my case thrown out of court.
2. CSO Newell hit me while I was in line at the 2nd Circuit Court of Appeals.
3. And Newell lied about it to the USMS when I complained.
4. The USMS told my lawyer that a tape of the incident did not exist.

I filed a claim in 2010 against the USMS from SDNY that CSO Newell hit me in the 2nd Circuit Court of Appeals, which he apologized for in front of CSO Muschitiello. When I reported it to the USMS, they claimed both that CSO denied he assaulted me, and to my lawyer said that no video tapes of the incident existed. I wrote the OIG, which forwarded my complaint to the USMS. I followed this with a letter to the USMS.

The USMS did not respond for 2 years.

So I filed SDNY Case 1:11-cv-08365-AJN-MHD, which the US Attorney fought me that I did not finish my administrative options / procedures. USMS General Counsel Auerbach wrote two (2) declarations "under the penalty of perjury" to the USDJ Nathan that I did not file any claims, and that "this office maintains a record of each such claim. The claims are indexed by claimant." [Item 3 in Case 1:11-cv-08365-AJN-MHD Document 40 Filed 07/16/12 Page 1 of 1].

I filed a claim using the correct claim form in 2012, and included the dollar amount. However, I (to this day) could not include the videotapes as evidence, as the US Attorney refused to let me get a subpoena.

After I produced in 2012 the 2010 letter from OIG to USMS (and verified by phone to the woman who handles such letters who within minutes found my 2010 letter), Auerbach filed a 3rd declaration stating that in Sep2012 he found the letter from 2010. However, 2 days ago on Mar 26, 2013, USDJ Nathan dismissed my suit (with prejudice and some without prejudice) for not including a dollar amount in the 2010 claim (even if I did include it in the 2012 re-filing after being told that by the US Attorney).

Case 1:11-cv-08365-AJN-MHD Document 90 Filed 03/26/13 Page 1 of 20 is the dismissal of my case.

I believe Mr. Auerbach should be indicted and tried for perjury, and that DOJ give me the rules that USMS should have followed in 2010 (acknowledging my complaint, giving me the right form, and indicating what is deficient -- eg. the form is not needed if I merely added the dollar amount \$3,500,000.). CSO Newell should be indicted for lying to the

USMS, and for intimidation of a witness (under 18 USC § 1512(b)(3)) and CSO Muschitiello should be under Obstruction of Justice also for not correcting the record to the USMS (for whom I understand the 2 CSOs still work for at SDNY) or to the Court. USMS Guccione and USMS Howard should be tried for Obstruction of Justice.

DOJ should keep me apprised of the monthly progress of this, since clearly my courtesy and assumption of goodness was misplaced in waiting for USMS (a branch of DOJ) to respond to my 2010 complaint within 1 year."

<http://www.justice.gov/oig/hotline/#civil>

Thursday, March 28, 2013 12:40 PM

Thank You

Thank you for your submission.

<http://www.justice.gov/oig/hotline/thanks.htm>

DOJ Employee or Program

Submit Report Online

Phone: (800) 869-4499

Fax: (202) 616-9881

Mailing Address:

U.S. Department of Justice
Office of the Inspector General
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

3/28/13

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- [DOJ Contract or Subcontract](#)
- [Grant Awarded by the DOJ](#)
- [Violation of Civil Rights or Civil Liberties](#)
- [Protected Disclosures of Recovery Act Funds](#)

DOJ Employee or Program

[Submit Report Online](#)

Please fill in as much information as possible. Your contact information is requested but not required in order to submit information.

Complaint Concerning DOJ Employee or Program

Your Information

Your Name: * Email: * Address Type:
 Street Address:
 City: State: Zip Code:
 Country:
 Phone: Fax: Year of Birth:
 Last four digits of SSN:

Information about the person you are complaining about

Name: Job Title: Address Type:
 Street Address:
 City: State: Zip Code:
 Country:
 Phone: Fax: Email:

3/28/13

USDOJ/OIG | Report Waste, Fraud, or Abuse

Information about the complaint

Where did the incident occur?

City: State: Zip Code: Country: Date and Time Incident Occurred: DOJ Component: Occurred at a Prison or Holding Facility? ☐Is this a Civil Rights Violation? ☒**Description**

Please provide a description of the facts and circumstances surrounding the reported activities, such as the evidence forming the basis of this report, the names of the individuals involved, dates, location, how the matter was discovered, potential witnesses and their involvement, and any

1. The USMS General Counsel perjured himself in 2012 to have my case thrown out of court.
2. CSO Newell hit me while I was in line at the 2nd Circuit Court of Appeals.
3. And Newell lied about it to the USMS when I complained.
4. The USMS told my lawyer that a tape of the incident did not exist.

corrective action already taken. *

Please list any other government entities you are notifying about this incident:

Please list any other government entities you are notifying about this incident:

Please provide on a separate sheet of paper a description of the facts and circumstances surrounding the reported activities, such as the evidence forming the basis of this report, the names of the individuals involved, dates, location, how the matter was discovered, potential witnesses and their involvement, and any corrective action already taken. Include any additional documentation if needed. *

Certification

3/28/13

USDOJ/OIG | Report Waste, Fraud, or Abuse

By clicking on submit, you certify that the information contained herein is true and correct to the best of your knowledge.

I certify that the information contained herein is true and correct to the best of my knowledge.

Signature:

Submit

* Required Info

Mail to: Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W. Room 4706
Washington, DC 20530

If you are a human, leave this field blank:

* Required Info

Phone: (800) 869-4499

Fax: (202) 616-9881

Mailing Address:

U.S. Department of Justice
Office of the Inspector General
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

DOJ Contract or Subcontract

Submit Report Online

Contractors should use this form to comply with the December 12, 2008, FAR Amendment, 73 Fed. Reg. 67064, which requires contractors to report credible evidence of violations of the civil False Claims Act or certain violations of criminal law that have occurred in connection with a government contract.

Fax: (202) 305-8447

Mailing Address:

U.S. Department of Justice
Office of the Inspector General
Fraud Detection Office
Attention: FAR Contractor Reporting
1300 North 17th Street, Suite 3200
Arlington, VA 22209